

REMARKS

The Final Office Action rejects claims 1, 3, 4, 15, 17, 24-25 and 30-32 under 35 U.S.C. §103(a) as being unpatentable over Keshav et al., U.S. Patent No. 5,623,605 ("Keshav") in view of a draft ITU-T Recommendation H.323 (hereafter "ITU Standard").

Applicants respectfully request reconsideration and withdrawal of the rejections, and allowance of claims 1, 3, 4, 15, 17, 24-25 and 30-32 for at least the following reasons.

Of the claims that remain, independent claim 1 is directed at a system which comprises a source gateway which, among other things, transmits an IP signaling message requesting an IP address of a proper destination gateway to a controller, and then subsequently receives the IP address from the controller confirming the address of the proper destination gateway. Thereafter, the source gateway of claim 1 transmits an address registration message to the controller in order to register with the controller. After receiving the IP address from a proper destination gateway and registering with the controller, the source gateway of claim 1 exchanges set-up messages with the proper destination gateway in order to transport IP-encapsulated cells associated with a call with the proper destination gateway. Finally, the source gateway transmits an open logical channel request message to the controller to request the establishment of a dedicated channel between the source gateway and the destination gateway to transport the IP-encapsulated ATM cells.

Similarly, independent claim 24 is directed at a destination gateway which also registers with the controller by transmitting an automatic re-transmission request to the controller. This request is also used to determine whether the destination gateway may receive IP-encapsulated ATM cells that are associated with a call from a source gateway. Thereafter, this destination gateway receives a confirmation message from the controller which confirms the destination gateway can indeed receive the ATM cells. Upon receiving this confirmation message, the destination gateway then, similar to the source gateway, exchanges set-up messages with the source gateway. Thereafter, the destination gateway, similar to the source gateway, transmits an open logical channel request message to the controller to open a dedicated channel between a destination gateway and a source gateway.

Finally, independent claim 25 is directed at a controller which transmits the IP addresses of a proper destination gateway to a source gateway, receives messages from a source gateway and a destination gateway to register both gateways and transmits acknowledgements to both gateways to acknowledge the opening of the dedicated channel between the source and destination gateways in response to receiving one or more open logical channel request messages from either/both gateways.

Claims 30-32 are independent method claims which parallel the independent system claims (claim 30 corresponds to claim 1; claim 31 corresponds to claim 24; and claim 32 corresponds to claim 25).

Common within each of the independent claims is the requirement of either one or two gateways. In addition, common with each of the independent claims is the requirement of the use of an IP address. Finally, common among all of the independent claims is the requirement that a controller be used to connect to one or both gateways.

Claims 1 and 30 are not rendered obvious by the combination of Keshav and the ITU Standard.

Neither Keshav nor the ITU Standard discloses or suggests a source gateway which is not only interconnected to an IP backbone but which transmits an IP signaling message requesting an IP address of a proper destination gateway to a controller as in claims 1 and 30 of the present invention.

Instead, Keshav discloses two programs, not gateways, where one of the programs referred to as application program B 430, for example, receives a virtual circuit identifier ("VCI") which uniquely identifies a data path allowing data to be exchanged between program B 430 and remote client programs on a processing system 320.

Applicants submit that one of ordinary skill in the art would not equate the program or processing systems disclosed in Keshav with a gateway as in claims 1 and 30 of the present invention. In addition, Applicants respectfully submit that one of ordinary skill in the art would not equate a VCI value associated with a client program and a processing system with an IP address of a proper destination gateway, as in claims 1 and 30 of the present invention.

For these reasons, claims 1 and 30 are not rendered obvious by Keshav, taken separately or in combination with the ITU Standard. In addition, as the Final Office Action acknowledges, Keshav does not disclose the steps of receiving an IP address from a controller to confirm the address of a proper destination gateway and transmission of an address registration message to a controller to register the source gateway; the exchange of setup messages with the proper destination gateway; or the transmission of an open logical channel request message to the controller (from the source gateway) to request and establish a dedicated channel between the source gateway and a destination gateway, as in claims 1 and 30 of the present invention.

Nonetheless, the Final Office Action relies on the ITU Standard to overcome these deficiencies. For at least the following reasons, Applicants respectfully believe this reliance is erroneous.

The Final Office Action on page 3 quotes excerpts from the ITU Standard in support of its obviousness rejection. However, a reading of the ITU Standard does not support the rationales for the rejection given in the Final Office Action.

For example, the Final Office Action states that the excerpts from page 32, section 7.23 of the ITU standard discloses the reception of an IP address from a controller confirming the address of a proper destination gateway. To the contrary, there is no disclosure or even a suggestion that the messages sent by the discussed endpoint to a Gatekeeper or sent by a Gatekeeper to an endpoint have anything at all to do with an IP address of a

proper destination gateway. Instead, the messages disclosed in this section of the ITU standard relate to the location of an endpoint, not a gateway, or a request relating to a location of an endpoint. In sum, the messages in this section of the ITU Standard have nothing at all to do with a destination gateway.

The Final Office Action goes on to indicate that pages 31 and 32, in particular, Section 7.2.2 discloses the transmission of an address registration message to a controller to register a source gateway. To the contrary, Section 7.2.2 relates to the registration of an endpoint, not a gateway. Particularly, an endpoint is registered with a Gatekeeper. It is respectfully submitted that one of ordinary skill in the art would not equate an endpoint with a gateway and would not equate the registration of a gateway with a controller with a registration of an endpoint with a Gatekeeper.

In addition, there is no disclosure or suggestion in Section 7.2.2 or in 7.2.3 of the use of a controller at all.

The Final Office Action also states that page 38, Section 8.1.2, discloses an exchange of setup messages with a proper destination gateway to transport IP encapsulated ATM cells associated with a call. Again, to the contrary, this section deals with the registration of two endpoints with the same Gatekeeper. There is no disclosure or suggestion of the exchange of messages between a destination gateway and a source gateway, as in claims 1 and 30 of the present invention. It is respectfully submitted that one of ordinary skill in the art would not equate an exchange of endpoint registrations with a single

Gatekeeper with the exchange of setup messages between a proper destination gateway and a source gateway, as in claims 1 and 30 of the present invention.

Finally, the Final Office Action refers to page 34, page 50 as disclosing the transmission of an open logical channel request message to the controller by the source gateway in order to request the establishment of a dedicated channel between the source and destination gateway. To the contrary, page 34 does not disclose or suggest anything at all to do with transmission of an open logical channel request message to a controller to request an establishment of a dedicated channel between source and destination gateways. Instead, this section deals with the routing of a call from one endpoint to another endpoint through a single Gatekeeper. There is no suggestion of the use of a controller and no suggestion of the use of a source and destination gateway, as in claims 1 and 30 of the present invention.

Claims 24, 25, 31 and 32 are not rendered obvious by the combination of Keshav and the ITU Standard.

Applicants respectfully submit that, for substantially the same reasons set forth above with respect to claims 1 and 30, claims 24, 25, 31 and 32 are patentable over Keshav, taken alone or in combination with the ITU Standard.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the pending rejections and allowance of claims 1, 3, 4, 15, 17, 24-25 and 30-32. It is noted that this Request for Reconsideration does not contain any claim amendments which will require an additional search by the Examiner. This Request for Reconsideration is submitted in order to clarify

some misunderstandings stated in the Final Office Action and to better place the application in form for a possible Appeal.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

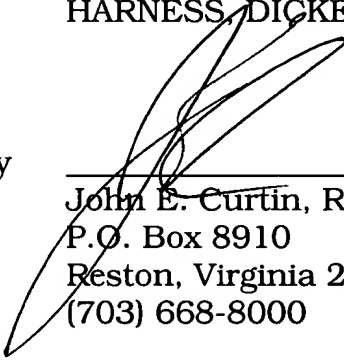
In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



John E. Curtin, Reg. No. 37,602
P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

JEC:psy